THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.20846 of 2005

Date:30.09.2005

G.Srinivas Rao

--------PETITIONERS

The Andhra Pradesh State Council of Higher Education, Nampally, Hyderabad, Rep. by its Secretary and another

---------RESPONDENTS

ORDER:

The petitioner passed B.A.(External) with 43% marks in Part-II. Subsequently, he studied M.A.(Political Science) and passed with 53% marks. He intended to appear in the Entrance Examination conducted for selection of candidates for admission into B.Ed Course. The 1st respondent incorporated a condition to the effect that only such candidates, who have secured a minimum 45% marks in Graduation, are entitled to appear in the Entrance Examination. Since the percentage of the petitioner in the Graduation is less than 45%, he files this writ petition assailing the condition.

Sri Chandraiah Sunkara, the learned counsel for the petitioner submits that there is no basis for the respondents in insisting that the percentage of marks in Graduation alone needs to be taken into account, particularly in respect of candidates, who have pursued further studies. He contends that there is no prohibition under the Rules for post graduates to appear in the entrance examination and in that view of the matter, the percentage secured by the petitioner in M.A ought to have been taken into account. He places reliance upon an interim order passed by this Court in W.P.M.P.No.25086 of 1999 in W.P.No.19996 of 1999.

Sri C.Sudesh Anand, the learned Standing Counsel for the A.P.State Council of Higher Education and Sri Sree Ramulu Naidu, the learned Standing Counsel for the 2nd respondent submit that the qualifying examination for admission into B.Ed Course is Graduation and that the study of Post Graduation course by the petitioner makes hardly any difference. They also contend that there is no decided case or precedent to the effect that the marks obtained by a candidate in a course other than the qualifying examination can be taken into account.

Admission to each course is on the basis of pass in the qualifying examination. In certain cases, apart from pass in the qualifying examination, the candidates may secure additional qualifications also. The qualifications so acquired would not be of much relevance, in the context of admission into the course concerned. There are instances, where acquisition of superior or higher qualifications is treated as disqualification, such as, recruitment to some lower category of posts.

Once the respondents have stipulated the minimum percentage of marks in the qualifying examination, this Court cannot ignore the same and consider the performance of the petitioner in a different examination, be it, superior or inferior to the qualifying examination.

A perusal of the interim order referred to above in W.P.No.19996 of 1999 discloses that the performance in Post Graduation was treated as sufficient to consider the case of the petitioner therein, for the purpose of regularization. The purport of the Rules relevant for that case is neither evident from the order, nor it is placed before this Court. At any rate, that was an interim order and in the ultimate final order that was passed in the same writ petition, neither the relief as prayed for was granted nor any relaxation was ordered. Therefore, this Court does not find any basis to grant any relief to the petitioner.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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30.09.2005

Jsu